



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740
Lynn Holton, Public Information Officer

Release Date: November 1, 2000

Release Number: S.C. 44/00

SUMMARY OF CASES ACCEPTED DURING WEEK OF OCTOBER 23, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-132 Amelco Electric v. City of Thousand Oaks, S091069. (B129406; 82 Cal.App.4th 373.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether a public entity may be found to have abandoned a construction contract, and the contractor allowed to recover in quantum meruit, because of excessive change orders to the contract. (See Pub. Contract Code, § 7105.)

#00-133 Mycogen Corp. v. Monsanto Co., S090337. (D031046, D031336, D032171.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment and affirmed and reversed ancillary orders in a civil action. This case concerns whether a plaintiff's success in obtaining declaratory relief and specific performance without seeking damages in an action on a contract creates a res judicata bar to a subsequent action for damages for delay in performing or failure to perform under the initial judgment.

#00-134 Paul v. County of Riverside, S090802. (E024795.) Unpublished opinion. Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in Richards v. CH2M Hill, Inc.,

(over)

S087484 (#00-80), which concerns the extent to which the continuing violation doctrine permits an employee to recover for a pattern of discriminatory conduct that occurred over a long period of time and that commenced outside the limitation period of the Fair Employment and Housing Act

#00-135 People v. Sousa, S090886. (C030361.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether an on-bail enhancement (Pen. Code, § 12022.1) may be imposed on a sentence for failure to appear while on bail (Pen. Code, § 1320.5).

#00-136 People v. Talibdeen, S090710. (B130967; 81 Cal.App.4th 1055.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Smith, S088387 (#00-70), which concerns whether the People may, for the first time on appeal, raise the issue that, although the trial court imposed a restitution fine, it failed to impose a parole revocation restitution fine in the proper amount.

STATUS

#00-85 People v. McCoy, S087893. The court modified its prior order limiting issues to include the entire question whether the Court of Appeal erred in reversing defendant Lakey's conviction.

#